

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

206

CRM-M-1734-2016

Date of Decision: March 30, 2016

KULDIP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.D.S.Kahlon, Advocate for the petitioner.

Ms.Harpreet K.Athwal, DAG, Punjab.

M.M.S.BEDI, J.(Oral)

Petitioner was arrayed as accused along with 11 other persons on the allegations levelled by Gurdeep Singh alleging that the petitioner and other accused had cut the trees planted by the complainant. The petitioner appeared before the trial Court for a period of two years but later on left for U.S.A. where his daughter fell ill. He claims that he suffered heart attack abroad as such he could not appeared before the trial Court. He was declared proclaimed offender. However, his co-accused have been acquitted on 1.11.2013 by the Sub Divisional Judicial Magistrate, Nakodar. Petitioner had filed an application for pre-arrest bail.

Interim relief was granted to the petitioner on the ground that he will return to India and put in appearance before the Area Magistrate within 15 days of the order. The petitioner complied with the interim order dated 18.1.2016 and surrendered before the Area Magistrate.

Counsel for the petitioner submits that the petitioner is ready to face the trial. Appreciating the bona fide shown by the petitioner, this petition can be allowed, in view of the fact that

co-accused have been acquitted after trial of 6/7 years. The supplementary challan has also not been presented for trial of the petitioner during the last two months. Expeditious trial and right of liberty is fundamental right of a citizen as enshrined in Constitution of India.

Taking into consideration the facts that the evidence which had led to the acquittal of the the co-accused of the petitioner is going to be the same qua the petitioner in which the same result is expected. However, it is ordered that in case prosecution agency presents supplementary challan against the petitioner, the trial Court shall make earnest endeavour to conclude the trial within a period of one month after the presentation of challan. It is ordered that the petitioner will remain on bail on the bail bonds/surety bonds already furnished.

March 30, 2016
TSG

(M.M.S.BEDI)
JUDGE